

REPORT SUMMARY

REFERENCE NUMBER: 24/504074/FULL		
APPLICATION PROPOSAL: Change of use of land and replacement of existing timber builder's store with single static unit for gypsy and traveller use with space for tourer caravan and parking.		
ADDRESS: Land at 2 Chart View Chart Hill Road Chart Sutton Kent ME17 3EX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Site location is not isolated and close to existing gypsy and traveler sites and other development. • Siting of the proposed single static caravan means that there would be no sprawling effect or development of open countryside. • Proposal is not visually incongruent given the existing context. • Static caravan would replace an existing storage shed and would not contribute additional height, bulk, scale, or mass such that it would cause harm to the landscape and rural character and appearance of the countryside. • Application meets all tests set out in policy LPRHOU8(1). • Maidstone Borough Council currently does not have a 5-year supply of Gypsy and Traveler sites which is a material planning consideration weighing towards approval. 		
REASON FOR REFERRAL TO COMMITTEE: Call in from Chart Sutton Parish Council for the reasons set out in section 5 of this report.		
WARD: Boughton Monchelsea and Chart Sutton	PARISHCOUNCIL: Chart Sutton	APPLICANT: Mr R Lee AGENT: Martin Potts Associates
CASE OFFICER: Sam Cowdry	VALIDATION DATE: 03/10/24	DECISION DUE DATE: 30/01/25
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

Land at 2 Chart View (current application site):

- No relevant planning history

2 Chart View:

- 23/505684/FULL - Change of use of land for the extension of existing gypsy and traveller site including the siting of five static caravans Refused 14.02.2024
- 07/1403 - Change of use of land to residential caravan site and stationing of two static caravans, one touring caravan and extension of existing hard standing – application refused 19.10.2007 subsequent appeal allowed
- 19/500994/CRVNP2- Enforcement Enquiry -Pre Application Advice Closed 10.12.2019

- 24/500019/CRVNP1- Enforcement Enquiry- Pending Consideration
- 24/500034/ENF- Appeal against Enforcement Notice - Without Planning Permission the material change of use of land to residential for a Gypsy and Traveller family including the stationing of caravans and associated operational works including the laying of hardsurfacing, creation of an entrance by removal of Important Hedgerow and erection of entrance gates and the installation of a septic tank.- Appeal In Progress

Chart View:

- 23/504000/FULL- (Part Retrospective) Siting of 3no. additional static caravans for Gypsy and Traveller use and retrospective siting of 1 additional static caravan for Gypsy and Traveller use- Permitted
- 22/504936/FULL- Erection of day room and pool house for ancillary use to the existing Gypsy/Traveller site- Refused
- 18/505924/FULL- Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy and Traveller site for family members- Refused
- 17/506526/FULL- Proposed 2no. static caravans on existing traveller site- Permitted
- 13/1913- A planning application for the erection of 2No. day rooms - Permitted

View of site from Chart Hill Road



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is to the east of Chart Hill Road, located in open countryside and at significant distance from any settlement boundary.
- 1.02 The site is currently occupied by an existing store constructed of external walls timber boarding, corrugated metal roof, timber window and timber doors at the southern site boundary. The building is separated from the street by existing 2m timber close boarded panel fencing.

- 1.03 The existing building has an approximate total height of 4 metres, width of 8.4 metres and depth of 9 metres. The roof is dual pitched element with a lower mono pitch aspect. The existing building cannot be viewed from the southwest due to existing, established vegetative screening. The building becomes visible once further north as the existing vegetation traverses the fence leading to the access.
- 1.04 The immediate locality is characterised by existing loose knit development at the junction between Chart Hill Road and Lower Farm Road. Neighbouring the application site to the north, and northeast are 1 Chart View and 2 Chart View respectively, which share an access with the existing store.
- 1.05 To the south is the residential property called Little Rabbits Cross Barn which consists of two buildings. Approximately 65m to the northwest is Grade II* listed building Rabbit's Cross Farm, which is on the corner plot between Chart Hill Road and Lower Farm Road. There are some further residential dwellings at significant distance. The surrounding, non-immediate, land is characterised by open countryside, rural in its character.
- 1.06 There are no relevant site allocations or constraints which relate to this site.

2. PROPOSAL

- 2.01 The existing storage building will be demolished and replaced with a static caravan and parking for a single touring caravan and two cars. The static would be sited perpendicular to the road, located along the southern boundary lengthways. The proposed static caravan would be constructed of largely Upvc, with a similar appearance to nearby caravans.
- 2.02 The proposed static caravan has a pitched roof, and ridge height of approximately 4 metres. The approximate width would be 3.8 metres and approximate length 12.2 metres. The mobile unit has a lounge, kitchen, WC and a single bedroom.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review 2024

LPRSS1: Maidstone borough spatial strategy
LPRSP9: Development in the countryside
LPRSP10: Housing
LPRSP10(A): Housing mix
LPRSP12: Sustainable transport
LPRSP14: Environment
LPRSP14(A): Natural environment
LPRSP14(C): Climate change
LPRSP15: Principles of good design
LPRTRA2: Assessing transport impacts.
LPRTRA4: Parking
LPRQD 1: Sustainable design
LPRQD 2: External lighting
LPRQD 4: Design principles in the countryside
LPRQD 6: Technical standards
LPRHOU 8: Gypsy and traveller accommodation
LPRTRA2: Assessing the transport impacts of development.
LPRTRA4: Parking

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013) b& Landscape Capacity Study (2015)

Planning Policy for Traveller Sites' (PPTS) (December 2023)

Maidstone Landscape Character Assessment (amended 2013)

Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (Sept 2023) (Addendum note with definition update July 2024)

Gypsy and Traveller Appeals: Strategic Planning Briefing Note (April 2023)

4. LOCAL REPRESENTATIONS

Local residents:

4.01 No representations have been received from residents.

Chart Sutton Parish Council

4.02 Objection

- Considered cumulatively with adjacent plots, the proposal would dominate the nearest settled community.
- Harm to character and appearance of the countryside.
- Overdevelopment

Sutton Valence Parish Council (neighbouring parish)

4.03 Objection

- Poor accessibility to local services
- Significant harm to landscape and the rural character of the area
- Mobile homes will not fit with other buildings in vicinity, i.e listed buildings.
- Traffic

5. CONSULTATIONS

KCC Highways

5.01 Development proposal does not meet criteria to warrant involvement from Highway Authority

Environmental Health

5.02 No objection

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Justification for residential accommodation in the countryside policy LPRHOU8
- Need and supply
- Gypsy status/personal circumstances
- Heritage
- Residential amenity
- Biodiversity Net Gain

Justification for residential accommodation in the countryside.

6.02 The application site is in the countryside and new dwellings are not generally allowed in the countryside.

6.03 As an exception to this normal constraint, policy LPRHOU8 of the Local Plan Review allows gypsy and traveller accommodation in the countryside in certain circumstances.

- 6.04 Policy LPRHOU8 states that gypsy and traveller accommodation will be granted in two situations:
- Firstly "...where the site is allocated for that use and proposals comply with the site allocation criterion", and
 - secondly subject to criteria listed in policy LPRHOU8 being met.

- 6.05 The application site is not allocated and the criteria policy LPRHOU8 are considered below.

LPRHOU8 a. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960)13 and the Caravan Sites Act (1968).

- 6.06 The mobile homes are of a typical style and appearance and the submitted information indicates that the proposed caravans will meet this definition. A planning condition is recommended requiring compliance with the definition.

b. Local services, in particular school, health, and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.

- 6.07 The supporting text to policy LPRHOU 8 states in relation to Gypsy and Traveller accommodation "*It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside*".

- 6.08 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas.

- 6.09 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations and there are insufficient grounds to justify refusal of permission due to the location.

c. The development would not result in significant harm to the landscape and rural character of the area.

- 6.10 The application site is located in countryside. Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRHOU 8. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.

- 6.11 The front site boundary is a 1.8 metre high timber close board fence, red brick wall and a gate and landscaping and these provide visual screening. Whilst the static caravan would be higher than the boundary treatment and visible from public viewpoints, the static caravan would be partially screened by front boundary treatment and would not be overly obtrusive. The proposal would not appear visually harmful from any other public viewpoints. A planning condition is recommended seeking retention of existing landscaping, new additional landscaping on the application site and details of future management.

- 6.12 The static caravan would be sited perpendicular to the road, whereas the existing building's front elevation runs parallel, with its entrance facing the street. The

proposed static caravan is orientated such that the length of the unit would be masked by the existing boundary treatment to the south. Furthermore, the side profile would constitute significantly less bulk/ mass than the existing building and as such would have less harm on the character and appearance of the street scene and open countryside. Views would partially remain from the north but would not be of greater significance or scale in comparison to what is existing.

- 6.13 Whilst there is open countryside nearby, the application site itself is surrounded by existing caravans and buildings. To the west is Chart Hill Road, to the north and east is 2 Chart View which consists of two pitches and a day room, and to the south is Little Rabbit's Cross barn. A building also currently exists on the application site.
- 6.14 Policy LPRHOU 8 advises that the cumulative effect on the landscape arising because of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area. The application site is currently occupied by a building and the proposed static caravan would infill space between existing development. In this context it is concluded that there would be no harmful cumulative impact on character and appearance from the proposal.
- 6.15 It is concluded that with suitable conditions the proposal would not result in significant harm to the landscape and rural character owing to its siting, orientation, relative scale, bulk, mass, and height in comparison to existing development. The application is acceptable in relation to landscape harm and would be in accordance with Local Plan policy LPRHOU 8.

d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

- 6.16 Policy LPRSP15 states that applications must accommodate vehicular movements generated by the proposal on the local highway network and through the site access. LPRQD4 states that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.17 NPPF guidance states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF para 111).
- 6.18 The application site has an existing, established access on to Chart Hill Road. There are no highway issues relating to this existing access, and the access would be suitable for the additional traffic generated by this application. The additional movements would not have a harmful impact upon the wider highway network. The proposed parking and turning space is considered to be acceptable.
- 6.19 The current application does not result in severe impact on the highway network and the application is in accordance with policy LPRSP15 and the NPPF.

e. The site is not located in an area at risk from flooding (zones 3a and 3b)

- 6.20 The site is not located in an area at risk from flooding (zones 3a and 3b).
f. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.
- 6.21 The application site is made up of existing developed land and hardstanding, as such no surveys are required. A planning condition is recommended to seek on-

site ecology enhancement provision, in the interest of improving and enhancing ecology in the borough.

- 6.22 With the existing condition of the land, the development is unlikely to have had an adverse impact upon any protected species, and so no survey work is required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that opportunities for ecological enhancement should be taken. On this basis a condition is recommended to seek ecological enhancements on the site, including through integrated methods into the fabric of the mobile home by means such as bat tubes.

Need and supply

- 6.23 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showperson Accommodation Assessment (GTAA) was published in September 2023 replacing the January 2012 assessment.
- 6.24 The 2023 GTAA formed part of the Local Plan Review evidence base and informs the current preparation of the separate Development Plan Document covering the period 2023-2040. The 2023 GTAA was submitted to the LPR Inspector as part of this Council's evidence base for the LPR and the need has now increased very significantly to 529 pitches between 2023 and 2040. Whilst the most up to date assessment, the weight attached to the figures needs to be balanced against the following limitations.
- 6.25 The need figures for Gypsy and Traveller households in the GTAA are divided into three categories: '*Meet planning definition*'; '*Undetermined*'; and '*Do not meet planning definition*':
- Meet Planning Definition (Need found for 340 households)
 - *2023 GTAA uses Gypsy & Traveller definition found in 2015 National Planning Policy for Traveller sites.*
 - *After Court of Appeal found it discriminatory, definition was changed (Dec 2023), after 2023 GTAA.*
 - *Revised definition now includes those who have permanently ceased to travel due to "...their own or their family's or dependents' educational or health needs or old age".*
 - *An assessment using this revised definition is likely to slightly increase the future need for Gypsy and Traveller accommodation for households who now meet the planning definition in the borough.*
 - Undetermined (Need found for 122 households)
 - *2023 GTAA states (para 3.31): As well as calculating need for households that meet the planning definition, a GTAA has to consider the needs of any households where an interview was not able to be completed (either due to refusal to be interviewed or households that were not present during the fieldwork period)*
 - *Whilst there is no law or guidance that sets out how the needs of these households should be addressed; an approach would have been taken that sought an estimate of potential need from these households.....*
 - *This would be an additional need which is over and above the need identified for households that meet the planning definition.*

- Do not meet the Planning Definition. (Need found for 67 households)
 - *With definition change outlined above, size of group outside definition will decrease, with an increase in the group meeting the definition.*
 - *2023 GTAA states (para 3.38) "...housing needs of any Gypsy & Traveller households who do not meet planning definition of a Traveller will need to be assessed as part of the wider housing needs of area and will form a subset of the wider need arising from households residing in caravans".*

- 6.26 In conclusion, the key material consideration regarding need is that this Council should have a 5-year supply of Gypsy and Traveller accommodation. Based on the figure in the 2023 GTAA of those meeting the planning definition only, the current supply is 1.2 years; and this is made up of: Carried forward unimplemented 2017 Local Plan allocations; turnover on the two public sites in the borough; and windfall allowance for pitches which will be granted planning permission in the future. The need assessment in the 2023 GTAA was out of date 3 months after publication and this was due to the change in the central government definition of gypsy and travellers.
- 6.27 The Council's true supply will be lower than 1.2 years and further away from the required 5 year supply. This is after accounting for the potential increased need from the change in definition, and proportion of the 'undetermined' group that meet the definition. An addendum note (July 2024) is now published on the Council's website, which advises that the change in definition has resulted in an additional 2 pitches arising from households who now meet the definition and conversely, a reduction by 2 pitches from households who do not meet the need.
- 6.28 It is highlighted that this formal acknowledgement of a lack of a 5yr supply for Gypsy and Traveller Pitches triggers paragraph 27 of the Government's Planning Policy for Traveller Sites (PPTS) which states:
- "If a LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission(see footnote). The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an AONB, or within a National Park (or the Broads)". Footnote: "There is no presumption temporary grant of permission should be granted permanently. Planning Committee Report 22 August 2024".*
- 6.29 The Local Plan Review has full weight, but the Council has chosen to separate the matter of gypsy and traveller policy from the Local Plan Review and is pursuing a separate DPD on this matter.
- 6.30 The first stage consultation (Regulation 18a) took place between February and April 2023; and additionally, two targeted call for sites exercises ran between 1st February and 31st March 2022, and 28th February and 17th April 2023. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and further public consultation is expected on this towards the end of 2024. In the interim, Local Plan Review policy LPRSP10(c) (Gypsy & Traveller Site Allocations), includes extant allocations carried forward from the 2017 Local Plan policy GT1; and development management policy LPRHOU8 for windfall applications.
- 6.31 The DPD will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and a targeted Call for Sites exercise to identify

potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place.

- 6.32 In respect of the Maidstone Gypsy, Traveller and Travelling Showpeople DPD, the Local Development Scheme (LDS) timetable indicates a Reg 18b consultation taking place from February to March 2024. Evidence gathering ahead of a Reg 18b consultation is currently ongoing and the Council is considering whether it is appropriate to formally amend the LDS in relation to the DPD.

Gypsy status/personal circumstances

- 6.33 Following the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Ors*, it should be noted that the land-use needs of potential future occupants of the site may only relate to their ethnicity and the government has reverted the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012 for plan and decision making. The current definition is therefore as follows:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

- 6.34 Whilst the submission does not provide specific details regarding how they would meet the above definition, it is considered unreasonable to request further information on this matter. The argument is that when granting planning permission for a farm worker's dwelling for example, the Council does not require the farmer to prove that the intended occupant is a bone fide farm worker. Instead, the Council would rely on an occupancy condition to ensure that the dwelling is used for its intended purpose.
- 6.35 A previous award of costs against the Council, on a separate unrelated site in relation to gypsy status. is highlighted At the site known as Pear Paddock, the planning Inspector stated: *'The Council's second reason for refusal complains that the appellants have not demonstrated that the proposed site occupants are Gypsies or Travellers. Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here'*. With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has been proven to be unreasonable.
- 6.36 A 2014 appeal decision is also relevant at (APP/Y3940/C/13/2206152: Sharkays, Whaddon Lane, Hilperton, Trowbridge, Wiltshire). The Planning Inspector found that the site was an acceptable location for a gypsy accommodation, in accordance with local and national policies, and granted planning permission subject to an occupancy condition. This decision was in despite of the fact that the Inspector found that the existing site occupiers did not comply with that condition. It is evident that the gypsy status of the appellants was not determinative of the appeal.
- 6.37 With everything considered no objection is raised to the application on the grounds of Gypsy status as the occupants will have to fall within the Government's PPTS definition, and this can be secured by way of condition.

Heritage

- 6.38 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.39 Policy LPRSP14(B) relates to the historic environment requiring that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy LPRENV 1 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.40 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.41 Rabbits Cross Farmhouse is a grade II* listed building. The closest caravan considered as part of this current application is circa 85 metres to the east of Rabbits Cross Farmhouse. The official listing is as follows:
"Farmhouse. C15 or early C16, with C17 alterations. Timber framed, with plaster infilling. Plain tile roof. Wealden with two roughly equal-length hall bays, and storeyed end bays. 2 storeys and attic. Stone plinth to right end bay, brick plinth to rest. Close-studded. Broad, low window-cill to left hall bay. Right and left end bays jettied to front. Arch braces to flying wall-plate and solid-spandrel bracket to central tie-beam end. Steeply-pitched hipped roof. Multiple filleted red and grey brick stack in front slope of roof, to left end of right hall bay, and slender brick stack within right lean-to. C17 2 1/2-storey close-studded rectangular bay window on chamfered painted stone base to left hall bay, rising through eaves, with flying wall-plate removed in front of it; gable jettied on shaped brackets, with moulded bressumer and with moulded bargeboards and pendant. Leaded 3-light mullioned window to gable. Irregular fenestration of 2 windows; one 8-light mullioned and transomed first-floor window with moulded head and cill to C17 bay, with 2-light mullioned frieze windows to flanking hall walls; and one 2-light paned casement to right end bay. Blocked window to left end bay, and another to right hall bay. Small 4-light mullioned window to left end bay on ground floor, and 2-light paned casement to right end bay. Ground-floor window of C17 bay similar to first-floor, also with 2-light frieze windows. Boarded door in moulded 4-centred arched architrave with hollow spandrels and with brattished moulding to midrail over, to right end of right hall bay. Brick lean-to to right with applied studding to gable. Short rear lean-to to left. Interior not inspected".
- 6.42 The caravans currently being considered will be seen from Rabbits Cross Farmhouse in the context of existing caravans, Chart Hill Road and boundary hedging on both sides of the road. With the separation distance and intervening site boundaries, it is concluded that the proposal will not have any negative impact on the setting or heritage value of Rabbits Cross Farmhouse.

Residential amenity

- 6.43 Policy LPRSP15 sets out the following in relation to amenity of adjacent occupiers:
"Respect the amenities of occupiers of neighbouring properties and uses and

provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.

- 6.44 The closest adjacent residential properties are the mobile units located within Chart View. The proposed unit would not be of a scale or height such that it would lead to an unacceptable loss of light or overbearing impact. The proposal is single storey and as such windows would not have any elevated vantage whereby they could overlook private amenity space.
- 6.45 The proposal would not have an adverse impact upon neighbouring properties by way of noise and disturbance, overshadowing, loss of light, outlook, or privacy. A condition is recommended which requests details relating to any external lighting. The proposal is in accordance with policy LPRQD7 of the Maidstone Local Plan Review (2024).

Biodiversity Net Gain

- 6.46 Based on the information available this proposal is exempt from statutory a biodiversity gain requirements. The following exemptions are relevant:
Development below the de minimis threshold, meaning development which:
iii) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
iv) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

PUBLIC SECTOR EQUALITY DUTY

- 6.47 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share protected characteristics and persons who do not share it; and
 - foster good relations between persons who share protected characteristic and persons who do not share it.
- 6.48 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Site location is not isolated and close to existing gypsy and traveller sites and other development.
- 7.02 Siting of the proposed single static caravan means that there would be no sprawling effect or development of open countryside.
- 7.03 Proposal is not visually incongruent given the existing context.

- 7.04 Static caravan would replace an existing storage shed and would not contribute additional height, bulk, scale, or mass such that it would cause harm to the landscape and rural character and appearance of the countryside.
- 7.05 Application meets all tests set out in policy LPRHOU8(1).
- 7.06 Maidstone Borough Council currently does not have a 5-year supply of Gypsy and Traveler sites which is a material planning consideration weighing towards approval.

8. RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions

- 1) The development hereby approved shall be carried out in accordance with the following approved plans:
Application Form
Site Location Plan
Drawing No. P1059/4 (Proposed Plan and Elevations)
Drawing No. P/1059/3 (Proposed Site Plan)
All received 27.09.2024
Reason: To clarify which plans have been approved and in the interests of proper planning.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. Reason: The site is in an area where the stationing of residential caravans/mobile homes is not normally permitted.
- 3) No more than 1 static caravan and 1 touring caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended shall be stationed on the land at any time. The caravans shall be positioned on the site as set out on the submitted drawings. Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought onto the land for the purposes hereby permitted including hardstanding's and buildings shall be removed within two months from the date of the use ceasing. Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored, or parked on the site at any time. Reason: To safeguard the character and appearance of the countryside.
- 6) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans). Reason: To prevent inappropriate development and safeguard the amenity, character, and appearance of the countryside, and in the interests of residential amenity.
- 7) Prior to the first occupation of the static caravan or tourer hereby approved, details of a scheme for the enhancement of ecology on the site shall have been submitted

to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first commencement of the approved use and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site in the future.

- 8) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions)
 - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.
- The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and protected species
- 9) Prior to the first occupation of the static unit hereby approved, details of how a decentralised and renewable or low-carbon source of energy shall be incorporated into the development to provide at least 10% of total annual energy requirements of the development and measures to improve energy efficiency shall have been submitted to and approved in writing by the local planning authority. The decentralised and renewable or low-carbon sources of energy and measures to improve energy efficiency shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority and once installed, the decentralised and renewable or low-carbon sources of energy and measures to improve energy efficiency shall be retained and maintained thereafter. Reason: To ensure an energy efficient form of development.
- 10) Prior to the first occupation of the static unit hereby approved landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall:
- a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - b) Show all existing trees, hedgerows, and blocks of landscaping on, and immediately adjacent to, the site and indicate their current condition and future status.
 - c) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) with new hedging at approximately 45cm spacing in a double staggered row, with 30cm between rows and consisting of 70% Hazel, 15% Hawthorn, 10% Spindle, 5% Holly.
 - d) a timetable of implementation of the approved scheme and
 - e) a five [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows)
- Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 11) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.